



Bill Summary

THE WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2007

Rep. Henry A. Waxman

Chairman, Committee on Oversight and Government Reform

H.R. 985, the Whistleblower Protection Enhancement Act of 2007, was introduced by Reps. Waxman, Platts, Van Hollen, and T. Davis on February 12, 2007.

Protecting National Security Whistleblowers. H.R. 985 gives whistleblower protections to federal workers who specialize in national security issues. These are federal government employees who have undergone extensive background investigations, obtained security clearances, and handled classified information on a routine basis. Our own government has concluded that they can be trusted to work on the most sensitive law enforcement and intelligence projects. This bill would finally give these courageous individuals the protection they deserve.

Protecting Contractor Whistleblowers. H.R. 985 ensures that employees who work for companies with government contracts are protected when they report waste, fraud, and abuse of U.S. taxpayer dollars. Existing legal protections for these employees are deficient, and often they fear that reporting an abuse of taxpayer dollars will cost them their jobs.

Protecting Scientific Whistleblowers. H.R. 985 includes a clarification regarding disclosure of actions that threaten the integrity of federal science. Over the last few years, the politicization of science has been rampant. It is important that employees who see such examples know that they are eligible for whistleblower protection, and that our science-based agencies get the clear message that retaliating against these employees is unacceptable.

Protecting All Whistleblowers. H.R. 985 responds to court decisions by the U.S. Court of Appeals for the Federal Circuit limiting the scope of disclosures protected under current law. H.R. 985 clarifies that "any" disclosure regarding waste, fraud, or abuse means "without restriction as to time, place, form, motive, context, or prior disclosure" and includes formal or informal communication. The bill also provides that a whistleblower can rebut the presumption that a federal official performed his or her duties in accordance with the law by providing substantial evidence to the contrary. The Federal Circuit has required a higher standard, irrefutable proof, to rebut this presumption. Furthermore, H.R. 985 allows whistleblowers access to federal district courts if the Merit Systems Protection Board (MSPB) does not take action on their claims within 180 days.